

IC 4-10-10

Chapter 10. Cancellation and Reissue of Warrants Outstanding More Than Two Years

IC 4-10-10-1

State warrants; checks issued by state agencies; outstanding and unpaid for two years; acceptance

Sec. 1. All warrants drawn by the auditor of the state of Indiana upon funds in custody of the treasurer of said state and all checks authorized by law to be issued from funds in custody of any other state agency, as hereinafter defined, which such warrants or checks have been or may hereafter be outstanding and unpaid for a period of two (2) or more years as of the last day of December of each year shall be declared canceled. No individual, bank, trust company, savings association or any other financial institution shall honor, cash or accept for payment or deposit any such state warrant or any check issued on any account belonging to the state of Indiana which may be presented for payment and which has been issued and outstanding for a period of two (2) or more years as of the last day of December of any year.

(Formerly: Acts 1953, c.117, s.1.) As amended by P.L.79-1998, SEC.3.

IC 4-10-10-1.5

Indiana state teachers' retirement fund

Sec. 1.5. This chapter does not apply to benefit checks issued by the Indiana state teachers' retirement fund.

As added by P.L.10-1993, SEC.2.

IC 4-10-10-2

Definition

Sec. 2. Other state agency shall mean and include state departments, bureaus, boards, commissions, divisions, penal, benevolent and educational institutions, offices or officers or any other agency of the state authorized by law to have in custody separate depository accounts for the disbursement of money from funds or accounts not otherwise disbursed by the auditor of state from funds in custody of the treasurer of state.

(Formerly: Acts 1953, c.117, s.2.)

IC 4-10-10-3

List of state warrants or checks; copies; filing and preservation

Sec. 3. (a) Not later than November 16, 1953, and not later than March 2 in each year thereafter, the treasurer of state and the disbursing officer of any other state agency shall prepare or cause to be prepared a list of all state warrants or checks which have been outstanding for a period of two (2) or more years as of December 31 last preceding.

(b) Not less than four (4) copies of such lists shall be prepared or caused to be prepared by the treasurer of state and the disbursing

officer of each state agency.

(c) The original list of outstanding state warrants shall be filed with the state board of finance which shall be preserved as an official record of the board and become a part of the minutes of the state board of finance. The duplicate copy shall be retained by the treasurer of state. The third copy shall be transmitted to the auditor of state and the fourth copy filed with the state board of accounts.

(d) The original list prepared by other state agencies shall be filed with the responsible head of such agency. The duplicate copy shall be retained by the disbursing officer or person preparing the list. The third copy shall be transmitted to the auditor of state and the fourth copy transmitted to the state board of accounts.

(Formerly: Acts 1953, c.117, s.3.) As amended by P.L.5-1984, SEC.32.

IC 4-10-10-4

Lists of outstanding state warrants or checks; contents

Sec. 4. Such lists so prepared shall show: the date of issue of each warrant or check; the serial number of each warrant or check; the fund or account upon which the warrant or check was originally drawn; the name of the payee; the amount of each warrant or check issued and the total amount represented by the warrants or checks listed for each fund or account.

(Formerly: Acts 1953, c.117, s.4.)

IC 4-10-10-5

Cancelled warrant holding account; receipt of cancelled warrants into original fund or general fund

Sec. 5. Upon the treasurer of state's transmitting the list of such outstanding state warrants to the auditor of state, such auditor shall enter the amounts so listed by the treasurer as a receipt into a cancelled warrant holding account in which account the funds shall be held for a period of five (5) years. The treasurer of state shall enter such amounts in his records as a receipt into the same fund as was done by the auditor of state and shall also remove the warrants from the record of outstanding warrants. All warrants that have been outstanding seven (7) years as of December 31 of any year shall be receipted into the fund from which they were originally drawn: Provided, however, That if the fund from which the warrants were originally drawn is not in existence, or cannot be ascertained, the amounts of such outstanding warrants shall be receipted into the general fund of the state.

(Formerly: Acts 1953, c.117, s.5; Acts 1955, c.83, s.1.)

IC 4-10-10-6

Receipt of outstanding checks into original fund or general fund

Sec. 6. As soon as the disbursing officers of other state agencies have prepared the lists of outstanding checks as provided in sections 3 and 4 of this chapter, such disbursing officer shall enter the amounts of such outstanding checks as a receipt into the fund or

account from which they were originally drawn and remove such checks from the record of outstanding checks; provided, that if the fund or account from which the check was originally drawn is not in existence, the disbursing officer shall draw a check against the fund or account from which the checks were originally drawn in an amount equal to the total of such outstanding checks and pay such amount into the general fund of the state; provided, further, that if a fund is advanced to an agency and the amount of such fund is limited to a specific amount, the amount or amounts of such canceled checks as provided in this section shall be entered as a receipt into the fund or account from which the original advancement was made.

(Formerly: Acts 1953, c.117, s.6.) As amended by P.L.5-1984, SEC.33.

IC 4-10-10-7

Presentment of cancelled warrants for payment; claim voucher; void warrants

Sec. 7. If any state warrant shall be presented for payment which has been declared cancelled as hereinbefore provided, the holder of such warrant shall deliver it to the treasurer of state and shall file a claim voucher stating under oath that he is the owner of the warrant, that the money is justly due him and relating the circumstances that prevented the warrant from being presented for payment within a reasonable time: Provided, however, That any warrants outstanding for more than seven (7) years shall be considered void and no recovery shall be had. If the treasurer of state shall find the claim in order, he shall approve the claim and shall transmit the claim to the auditor of state, who shall issue a warrant to the claimant against the holding account into which the original warrant was receipted.

(Formerly: Acts 1953, c.117, s.7; Acts 1955, c.83, s.2.)

IC 4-10-10-8

Presenting cancelled checks for payment; void checks

Sec. 8. If any check shall be presented for payment which has been declared cancelled by a state agency as hereinbefore provided, the holder thereof shall deliver such check to the disbursing officer of the agency who issued it, or his successor, and shall file with such agency a claim voucher stating under oath that he is the owner of said check, that the money is justly due him and relating the circumstances that prevented the check from being presented for payment within a reasonable time: Provided, however, That any checks outstanding for more than seven (7) years shall be considered void. If the agency shall find the claim in order, the administrative officer of the agency shall approve it and cause the disbursing officer to issue a check or warrant payable to the holder of the cancelled check and shall charge the amount of such check so issued as refund of a cancelled check from the fund or account into which the money was receipted when the original check was declared cancelled.

(Formerly: Acts 1953, c.117, s.8; Acts 1955, c.83, s.3.)

IC 4-10-10-9

Lists of outstanding state warrants or checks; preservation; destruction

Sec. 9. The lists of outstanding state warrants or checks transmitted to the auditor of state shall be retained in the office of auditor of state for a period of ten (10) years. All other lists shall be retained until such time as they may be ordered destroyed, removed, or transferred by the commission on public records as provided by IC 5-15-5.1.

(Formerly: Acts 1953, c.117, s.9.) As amended by P.L.5-1984, SEC.34.

IC 4-10-10-10

State board of accounts; instructions and forms

Sec. 10. The state board of accounts shall prepare detailed instructions and prescribe the necessary forms for putting into effect the provisions of this chapter.

(Formerly: Acts 1953, c.117, s.10.) As amended by P.L.5-1984, SEC.35.

IC 4-10-10-11

Agreements to pay for assistance in recovering outstanding and unpaid check or warrant

Sec. 11. (a) This section applies to a warrant drawn by the auditor of state upon funds in custody of the treasurer of state or a check authorized by law to be issued from funds in custody of any other state agency, if the check or warrant is outstanding and unpaid, but is not determined to be unclaimed property under IC 32-34-1.

(b) An agreement for which the primary purpose is to pay compensation to locate, deliver, recover, or assist in the recovery of a check or warrant described in subsection (a) is valid only if:

- (1) the fee or compensation agreed upon is not more than ten percent (10%) of the amount collected unless the amount collected is fifty dollars (\$50) or less;
- (2) the agreement is in writing;
- (3) the agreement is signed by the apparent owner of the check or warrant described in subsection (a); and
- (4) the agreement clearly sets forth:
 - (A) the nature and value of the property; and
 - (B) the value of the apparent owner's share after the fee or compensation has been deducted.

(c) This section does not prevent an owner from asserting at any time that an agreement to locate property is otherwise invalid.

As added by P.L.127-2000, SEC.1. Amended by P.L.2-2002, SEC.25.